IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.2786 OF 2006

Narendra K. Ambwani ..Petitioner

Vs.

Union of India & Ors. ..Respondents

Mr. Navroz Seervai, Senior Counsel i/b. Crawford
Bayley & Co., for the Petitioner.
Mr. Anjani Kumar Singh, for Respondent Nos. 1 and 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 13TH NOVEMBER,2006

P.C.

. Rule. Heard forthwith.

2. The petitioner was holding a Passport bearing No.Z-1591558 issued by the Regional Passport Officer, Mumbai on 10th October, 2003. The expiry date of the said Passport is 9th October, 2013. It appears that on account of frequent travel as all the pages in the Passport were stamped and as such the petitioner applied to the respondents for an additional Passport booklet. The petitioner submitted his Passport on which the respondents put an endorsement, cancelled and called on the petitioner to apply for a fresh Passport.

2. The record would indicate that there are some criminal proceedings pending against the petitioner

for violation of the provisions of the Essential Commodities Act. Under the provisions of Section 6(2)(f) of the Passport Act, 1967 if there are proceedings in respect of an offence alleged to have been committed by the Applicant and are pending before the Criminal Court in India, the Passport Authority can refuse to issue a Passport or travel document for visiting any foreign country. The Government of India has however issued a Notification under which a person being prosecuted for an offence can apply to the Criminal Court where the case is pending to travel abroad and from the operation of provisions of Section 6(2)(f) of the Passport Act. The petitioner accordingly applied to the Criminal Court by his application dated 1st September, 2006. An order came to be passed on 20th September, 2006 directing the Regional Passport Office, Mumbai to issue additional booklet to the applicant (petitioner herein) as per the terms and conditions of Passport Rules. Accordingly, the petitioner applied and the petitioner has been issued a Passport for a period of one year commencing sometime in September, 2006. It is this order which is the subject matter of the present petition.

3. We have heard the learned Counsel for the parties. We are of the opinion that the respondents completely misread the order of the criminal Court. As noted earlier the petitioner has a Passport valid

till 9th October, 2013. That Passport in law could not been cancelled. However, an endorsement has been made on the same because the petitioner had applied for an additional booklet. When the Magistrate directed that additional booklet be issued what the order really meant was that considering the contention of the respondents that they have to issue a fresh Passport, the new Passport issued had to be for the period for which the earlier passport was issued. It cannot mean to read that since no period was stated in the order of the Magistrate in terms of the Notification it would be only one year. That would be totally misreading the order of the Criminal Court.

4. We, therefore, direct the Regional Passport Officer, Mumbai, to make necessary correction in the Passport of the petitioner within 15 days from today showing the period of validity as of 9th October, 2013.

5. Rule made absolute accordingly. There shall be no order as to costs.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).